

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
G INVESTORS HOLDING LLC as successors in :
interest to STEPHEN CARB AS TRUSTEE OF :
LOLLYTOGS, INC. TRUST, :
: 09-CV-2980 (ALC)
Plaintiff, :
vs. :
LINCOLN BENEFIT LIFE COMPANY INC., :
Defendant. :
----- x

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

The parties were unable to agree on a proposed joint explanation of the case. Plaintiff submits the following as its proposed voir dire explanation:

This lawsuit arises out of two term life insurance policies issued by the Defendant in October and November of 1999 with the face amounts of \$3 Million and \$26 Million, respectively, insuring the life of one Samuel Gindi ("Gindi"), who at the time was a shareholder and CEO of Lollytogs. By their terms, the policies continue in existence until 2019, subject to Plaintiff's continued payment of premiums and compliance with other policy terms. The policies provide for guaranteed periods of level premiums for the first ten years, meaning that the premiums for both Policies were guaranteed to remain level, and the policies would remain in force, as long as Plaintiff continued to pay premiums. The guaranteed level premiums expired on October 1, 2009 for the \$3 Million policy and November 8, 2009 for the \$26 Million policy. After the 10th policy year, the policies have an increasing annual premium for each subsequent year.

At issue in this case is whether the insured is entitled to convert the policies from term policies to whole life or universal life policies. The advantage of this conversion right is that the insured can elect to convert the term life policy, which insures for a limited time period only, to a product that provides insurance for the rest of the insured's life without the need for any additional scrutiny of the insured's health or age at a substantially lower premium.

On or about May 20, 2012, Gindi passed away. Plaintiff subsequently submitted a claim for the death benefit to Defendant. To date, Defendant has failed to pay any portion of the claim.

Plaintiff brought this lawsuit against Defendant because Defendant denied Plaintiff's 2007 request to convert the policies and failed payment of the death benefit. In its Complaint,

Plaintiff asserts claims for breach of contractual rights relating to Defendant's refusal to allow Plaintiff to convert the policies seeking a declaration allowing it to convert the policies. Plaintiff further asserts claims for breach of contract relating to Defendant's refusal to pay the death benefit upon the death of the insured.

Personal

1. Please state your full name, address and your age.
2. Are you married?
3. Do you have children? If yes, what are their ages?
4. Where have you been employed for the past 10 years? Please identify your employers, the nature of your employers' businesses and your positions and job responsibilities.
5. Is there anyone else in your household (or children living away from home) who is employed? If so, please describe their employment.
6. Have you ever served on a jury before? If so, please describe when, in which court, whether the case was a civil or criminal matter and whether a verdict was returned; was it a positive or negative experience?
7. Have you ever been a party or witness or consultant in any kind of legal proceeding, excluding minor traffic or domestic relations matters? If so, please describe when, in which court, whether the matter is still pending or has been resolved, and the nature of the matter.
8. Has any member of your immediate family, or a close friend ever been a party in a legal proceeding? If so, describe.
9. Please describe your educational background.
10. Do you suffer from any mental or physical disability that might impair your ability to hear or understand court proceedings?
11. Do you belong to any clubs or organizations?
12. Have you ever hired a lawyer? If so, for what?
13. Do you have any training in the law or have you ever worked in the legal field?
14. Is any family member or close friends of yours an attorney?

Parties and Counsel

1. Are you acquainted in any way with G Investors Holding LLC, Stephen Carb, Raymond Gindi, Richard Sutton, Ezra Sultan, Lollytogs, Lincoln Benefit Life Company or Allstate? If so, please describe the nature and extent of your relationship with them. Would it affect your ability to hear this case fairly?
2. Do you know or have you ever had any dealings with the law firms, Weg and Myers PC and Seyfarth Shaw LLP or any of the following attorneys: Dennis D'Antonio, Josh Mallin, Derek Zisser, Richard Resnik, James Yu, Jay Cho or Elizabeth Schrero? If so, please describe the nature and extent of those contacts.
3. Are you acquainted in any way with the judge in this case, Judge Andrew L. Carter? If so, please describe the nature and extent of your relationship with Judge Carter.
4. Do you know or recognize any of the other prospective jurors? If so, what is the nature of your relationship with him/her?
5. Do you know anyone who is or was employed by G Investors Holding LLC, Stephen Carb, Lollytogs, Lincoln Benefit Life Company or Allstate? If so, state the name of the person, your relationship with the person, when and where they were employed, and what their job is or was.
6. Have you, anyone in your immediate family or any close friends of yours ever worked for:
 - a) An insurance company
 - b) An insurance agent
 - c) An insurance broker
 - d) An insurance consultant
 - e) The life insurance industryIf so, please describe.
7. Do you, anyone in your immediate family or any close friends own stock in an insurance company?
8. Have you or anyone you know ever knew or had dealings with any of the proposed witnesses? If so, please describe the nature and extent of your relationship.
9. Do you have any particular knowledge of this case or any of the facts in connection with it, including anything you may have read or heard from any source whatsoever, such as a friend or relative?
10. Did you read any articles about this case?

Litigation

1. What is your general opinion about insurance companies?
2. Have you ever sued or been sued by an insurance company? If so, describe.
3. Have you had negative experiences with any insurance companies?
4. Do you have life insurance? If so, what type of insurance: term, whole or universal? Who is the insurer?
5. Have you ever bought insurance from Lincoln Benefit Life Company? If so, describe what type of insurance?
6. Have you ever made a claim against Lincoln Benefit Life Company? If so, what was the outcome?
7. Have you ever bought insurance from Allstate or Lincoln Benefit Life Company? If so, describe what type of insurance.
8. Have you ever made a claim against Allstate or Lincoln Benefit Life Company? If so, what was the outcome?
9. Have you ever read a life insurance policy?
10. Have you ever made a claim to any insurance carrier?
11. Have you had any dealings with an insurance company?
12. What direct dealings with insurance company representatives have you had?
13. Have you, anyone in your immediate family or any close friends of yours ever received proceeds as the beneficiary of a life insurance policy?
14. Have you ever used an insurance agent or insurance broker in connection with obtaining insurance for yourself? What type of insurance?

Contracts

1. Do you believe that a party should live up its bargain?
2. Do you believe that a party should be allowed to ignore a contract or agreement?
3. Do you believe that anyone who has a dispute with an insurance company should go to court to enforce their rights under the policy? Would you?

Leisure Time Activities

1. What do you do in your spare time in terms of personal interests or hobbies?
2. What TV shows do you watch regularly?
3. Do you read a newspaper, news magazine or online news source on a regular basis? If so, which one(s)?
4. Do you read any business publications (e.g. The Wall Street Journal, Forbes, Fortune, Barron's, etc.) and/or watch any business focused television (e.g. CNBC, Bloomberg, etc.)?

Corporations

1. Do you agree that just because a party has filed a lawsuit against a corporation that he or she is entitled to recover?
2. Do you agree that a corporation is more likely to engage in wrongdoing than a person?
3. If the evidence justifies it, could you find in favor of the defendant just as easily as for the plaintiff?

General

1. If you were a party to this case expecting a fair trial, would you be willing to have a juror with your frame of mind?
2. Is there anything in your background which would prevent you from your duty to be a fair and impartial juror in this case?
3. Do you realize that it is your duty as a juror to follow the law even though your idea of what the law should be differs from what the law actually is?
4. Will you follow my instructions about these rules of law as well as the other instructions that will be given to you at the end of the case?
5. This trial is expected to last three [3] or four [4] days. Do you have any reason why you could not serve on this jury for that length of time?
6. Do you know of any reason why you could not serve on this jury if selected?

Docket No 09-CV 2980 ALC KNF

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

G INVESTORS HOLDING LLC as successors in interest to
STEPHEN CARB AS TRUSTEE OF LOLLYTOGS,
INC. TRUST

Plaintiff,

-against-

LINCOLN BENEFIT LIFE COMPANY, INC.,

Defendant.

PLAINTIFF'S PROPOSED VOIR DIRE QUESTIONS

Weg and Myers, P.C.
Attorney for Plaintiff

Office and Post office Address, Telephone
Federal plaza
52 Duane Street
NEW YORK, NEW YORK 10007
(212) 227-4210
